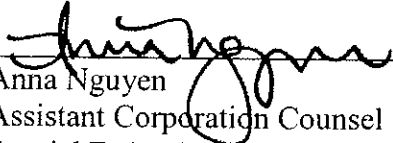


**DECLARATION OF SERVICE**

I, Anna Nguyen declare, pursuant to 28 U.S.C. § 1746, under the penalty of perjury that on **November 21, 2007** I served the annexed **Notice of Motion, Local Rule 56.2 Notice to Pro Se Litigants Opposing Motion for Summary Judgment, and Declaration of Anna Nguyen in Support of Defendants' Motion to Dismiss the Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)** upon the following individual by depositing a copy of the same, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to the said plaintiff pro se at the address set forth herein, being the address designated by said plaintiff for that purpose, to wit:

Freddy Colon Rodriguez  
Plaintiff Pro Se  
918 Dumont St., Apt. 1-F  
Brooklyn, NY 11207

Dated: New York, NY  
November 21, 2007

  
\_\_\_\_\_  
Anna Nguyen  
Assistant Corporation Counsel  
Special Federal Litigation

Index No. 07 Civ. 8126 (GBD)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FREDDY COLON RODRIGUEZ,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF  
CORRECTION, NEW YORK CITY BOARD OF  
CORRECTION AND THE CITY OF NEW YORK,

Defendants.

**NOTICE OF MOTION, STATEMENT PURSUANT  
TO LOCAL RULE 56.2, AND DECLARATION OF  
ANNA NGUYEN IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS THE COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(B)(6)**

**MICHAEL A. CARDOZO**

*Corporation Counsel of the City of New York  
Attorney for Defendants New York City Department of  
Correction, New York City Board of Correction and the  
City of New York  
100 Church Street  
New York, N.Y. 10007*

*Of Counsel: Anna Nguyen  
Tel: (212) 788-0971  
NYCLIS No.2007-029215*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 200.....*

*..... Esq.*

*Attorney for .....*